

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Juanita D. Wilson,

Plaintiff,

v.

Wells Fargo Bank, N.A.,

Defendant.

Civil Action No. 2:20-2780-BHH

ORDER

This matter is before the Court upon Plaintiff's pro se complaint alleging that Defendant Wells Fargo Bank, N.A. ("Defendant" or "Wells Fargo") violated her rights under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681-1681x. On November 23, 2020, Wells Fargo filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 for the District of South Carolina, the matter was referred to a United States Magistrate Judge for preliminary review. On April 30, 2021, Magistrate Judge Molly H. Cherry issued a Report and Recommendation ("Report"), outlining the issues and recommending that the Court grant Defendants' motion to dismiss (ECF No. 20) without prejudice to afford Plaintiff an opportunity to amend her FCRA claim. Attached to the Report was a notice advising the parties of their right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. Accordingly, the Court adopts the Magistrate Judge’s Report (ECF No. 28) and incorporates it herein, and the Court grants Defendant’s motion to dismiss (ECF No. 20) and dismisses this action without prejudice to afford Plaintiff the opportunity to amend her complaint should she choose to do so.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
Bruce Howe Hendricks
United States District Judge

May 18, 2021
Charleston, South Carolina